

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONNA M. LAMKE,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

Defendant.

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Case No. 4:10CV1889MLM

MEMORANDUM OPINION

This matter is before the court on Defendant's Motion to Reverse and Remand and for Entry of Final Judgment pursuant to 42 U.S.C. § 405(g), sentence 4. [Doc. 20] The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). [Doc. 21]

The issue in this case is whether plaintiff is entitled to Social Security disability benefits and supplemental security income benefits. Defendant's Motion states that after careful review of the above-captioned case agency counsel requested that the Appeals Council of the Social Security Administration reconsider the Commissioner's decision. Upon review, the Appeals Council determined that remand was appropriate.

Upon receipt of the court's remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) with instructions to properly assess plaintiff's residual functional capacity, including credible limitations of social functioning, and if necessary, obtain supplemental vocational expert input for new step 5 findings. The ALJ will be instructed to issue a new decision reflecting the above analysis.

The court has considered defendant's Motion and finds that the Motion should be granted. The entry of final judgment reversing and remanding this case will begin the

appeal period which determines the thirty (30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2142 may be filed.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion to Reverse and Remand and for entry of final judgment is **GRANTED**. [Doc. 20]

IT IS FURTHER ORDERED that a final judgment is entered contemporaneously herewith reversing the decision of the ALJ and remanding this case to the Commissioner of Social Security for further consideration pursuant to sentence 4 of 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that the entry of the final judgment will begin the appeal period which determines the thirty (30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act may be made.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of May, 2011.